

ASSEMBLY, No. 489

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Assemblyman JAY WEBBER

District 26 (Essex, Morris and Passaic)

Assemblyman JOHN J. BURZICHELLI

District 3 (Cumberland, Gloucester and Salem)

Assemblyman HAROLD "HAL" J. WIRTHS

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Assemblyman Space

SYNOPSIS

Revises timeframes for issuance of certain construction permits by DEP in 90 days.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the issuance of certain construction permits by
2 the Department of Environmental Protection and amending
3 P.L.1975, c.232.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. Section 3 of P.L.1975, c.232 (C.13:1D-31) is amended to
9 read as follows:

10 3. The department shall approve, condition , or disapprove an
11 application for a construction permit within 90 days following the
12 date that the application is complete, except that this time period
13 may be extended for a 30-day period by the mutual consent of the
14 applicant and the department, provided that the department
15 **【request】** requests the applicant for **【such an】** the extension at least
16 15 days prior to the expiration date for the approval, conditioning ,
17 or disapproval of **【such an】** the application and the need for the
18 extension is necessary for the department to obtain information that
19 is dependent on specific seasonal or weather conditions. If the
20 department is unable to obtain information that is dependent on
21 specific seasonal or weather conditions within the timeframe
22 specified herein, in the absence of evidence to the contrary, the
23 application shall be deemed to meet the necessary criteria for
24 approval or conditional approval of the application .

25 (cf: P.L.1975, c.232, s.3)
26

27 2. This act shall take effect immediately.
28
29

30 STATEMENT

31
32 This bill would amend P.L.1975, c.232 (C.13:1D-29 et seq.),
33 commonly referred to as the “90-Day Law.” This law sets forth
34 timeframes to be followed by the Department of Environmental
35 Protection (DEP) when processing applications for certain
36 construction permits.

37 The current law provides that the DEP must approve,
38 conditionally approve, or disapprove an application for a
39 construction permit within 90 days following the date that the
40 application is complete. The law further provides that this time
41 period may be extended for a 30-day period by the mutual consent
42 of the applicant and the DEP, provided that the DEP asks the
43 applicant for the extension at least 15 days prior to the expiration
44 date for the decision on the application. This bill would amend the
45 law to allow the DEP to request this extension only when the need

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 for the extension is necessary for the DEP to obtain information that
2 is dependent on specific seasonal or weather conditions. In
3 addition, this bill would amend the law to specify that if the DEP is
4 unable to obtain information that is dependent on specific seasonal
5 or weather conditions within the specified timeframe, then, in the
6 absence of evidence to the contrary, the application would be
7 deemed to meet the necessary criteria for approval or conditional
8 approval of the application.

9 The “90-Day Law” governs permits generally referred to as
10 waterfront development permits, coastal wetlands permits, Coastal
11 Area Facility Review Act or “CAFRA” permits, stream
12 encroachment or flood hazard area permits, and treatment works
13 approvals.